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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,205	04/13/2001	Masayoshi Sugawara	01225/LH	6109

1933 7590 08/19/2004

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EXAMINER

VUONG, BACH Q

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 08/19/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,205

Applicant(s)

SUGAWARA ET AL.

Examiner

Bach Q Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This communication is responsive to an amendment filed on 5/27/04

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al. (US 6,480,456).

Kawamura et al., according to Figs. 2-12, shows an optical pickup for applying a reading laser beam to an optical disc and for detecting a returning laser beam reflected from the optical disc comprising all features of the claimed invention.

Regarding claim 1, see Figs. 2-16 which show an optical pickup for applying a reading laser beam to an optical disc and for detecting a returning laser beam reflected from the optical disc comprising: a two wavelength laser (see semiconductor laser device 50) having first and second light sources to emit first and second laser beams, respectively, for alternatively applying one of the first laser beam and the second laser beam to the optical disc as the reading laser beam, the first and second laser beams having optical axes parallel to a first direction and having different wavelengths, a polarizing beam splitter (see half mirror 52) disposed adjacent to the two wavelength laser in the first direction for one of partially passing and partially reflecting the reading laser beam from the two wavelength laser to lead the reading laser beam to the optical disc, and for one of partially reflecting and partially passing the returning laser

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beam formed by reflecting the reading laser beam with the optical disc to lead the returning laser beam in a second direction different from the first direction, a photo detector (see photodetector units 60 in Fig. 7 or 66 in Fig. 12) disposed adjacent to the polarizing beam splitter in the second direction and having a predetermined photo sensing area pattern for detecting the returning laser beam traveling in the second direction from the polarizing beam splitter regardless of which one of the first laser beam and the second laser beam forms the returning laser, and a grating (see grating 51) disposed between the two wavelength laser and the polarizing beam splitter for dividing the reading laser beam into three divided laser beams, wherein the photo detector (see photodetector units 60 in Fig. 7 or 66 in Fig. 12) comprises three photodiodes which respectively corresponding to the three divided laser beams, and which form the photo sensing area pattern, and wherein a middle one of the photodiodes (see detector section 65, M1 and M2) comprises first and second photo sensing areas each of which serves four divisional photodiodes, and each of the first and the second photo sensing areas receives a middle one of the three divided laser beams originating from a respective one of the first laser beam and the second laser beam.

Regarding claim 4, see Fig. 12 which shows an optical pickup wherein the first sensing area includes a portion in common with the second sensing area (see detector section 65).

### ***Response To Arguments***

Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV  
August 15, 2004

  
THANG V. TRAN  
PRIMARY EXAMINER